



Attorney Docket No. 944-003.207
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: **W. HWANG** : Examiner: **Michael T. VU**

Serial No. **10/802,391** : Art Unit: **2617**

Filed: **March 16, 2004** : Confirmation No. **3686**

For: **ENHANCED UPLINK DEDICATED CHANNEL – APPLICATION PROTOCOL
OVER IUB/IUR**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the final Office Action of October 18, 2010, reconsider the rejections in view of the following remarks:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited today with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450.


Cathy Sturmer

Dated:

1/18/11

REMARKS

Claims 50-64 and 66-68 were examined by the Office, and in the final Office Action of October 18, 2010 all examined claims are rejected. With this response, no claims are amended, added or cancelled. Applicant respectfully submits that the Office has committed clear error in rejecting the claims, because the Office has failed to show that the cited references disclose or suggest all of the limitations recited in the claims. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

This response is submitted along with a Notice of Appeal.

Claim Rejections Under § 103

In section 4, on page 2 of the Office Action, claims 50-62, 64 and 66-68 are rejected under 35 U.S.C. § 103(a) as unpatentable over Krishnarajah et al. (U.S. Appl. Publ. No. 2002/0191556) in view of Bender et al. (U.S. Patent No. 6,539,030). Applicant respectfully submits that claim 50 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 50. The cited references, alone or in combination, at least fail to disclose or suggest receiving at a network element information having both a cell specific parameter and a radio link specific parameter, in respective messages on an interface between the network element and a radio network controller, as recited in claim 50.

In contrast to claim 50, Krishnarajah is directed to a radio access network sending to a mobile station a message which downloads configuration options for each of a plurality of header adaptation strategies, and the mobile station elects one of the header adaptation strategies and includes the elected strategy in a return message, and the radio access network configures a radio bearer for packets to be transmitted between the radio access network and the mobile station. See Krishnarajah paragraph [0023]. The Office asserts that Figure 1 of Krishnarajah shows a RNC (26) receiving information having a cell and a radio link. While Figure 1 of Krishnarajah shows a RNC (26) connected to a base station controller (BSC), Figure 1 provides no disclosure or suggestion about both a cell specific parameter and a radio link specific parameter in respective messages, as recited in claim 50. Furthermore, the radio

setup/configuration message shown in Figure 4A is sent from a base station controller (BSC) to a mobile station (MS), and is not a message between a network element and a RNC. See Krishnarajah paragraph [0054]. The BSC is not the equivalent to the RNC recited in claim 50, because Figure 1 clearly shows that these are separate entities in Krishnarajah. In addition, the Office asserts that Figure 1 of Krishnarajah shows the RNC (26) receiving information having a cell and radio link. However, claim 1 recites receiving at a network element, and the RNC is not the equivalent of the network element recited in claim 1. Furthermore, Krishnarajah is directed to header removal to remove the RTP/UDP/IP header before transporting the packets over the air interface. See Krishnarajah paragraph [0018]. Accordingly, Krishnarajah does not disclose or suggest receiving at a network element information having both a cell specific parameter and a radio link specific parameter, in respective messages on an interface between the network element and a radio network controller, as recited in claim 50. For at least this reason, claim 50 is not disclosed or suggested by the cited references.

The Office acknowledges on page 3 of the Office Action that Krishnarajah does not disclose that at least one of the respective messages enables the configuring of the radio uplink, and relies upon Bender for this teaching. However, applicant respectfully submits that Bender also fails to disclose or suggest this limitation of claim 50. Figure 7A of Bender only shows use of an open-request message and an open-response message to allow an access terminal to request and receive an access terminal identifier. See Bender column 13, lines 56-59. The access terminal identifier is used by the access terminal for the duration of a session. See Bender column 14, lines 4-5. However, this is not the equivalent of configuration of a radio uplink, as recited in claim 50, since only the access terminal identifier is received and no radio uplink is configured. Furthermore, Figure 7B of Bender only shows a session layer/protocol negation sub-phase. See Bender column 14, lines 16-17. In Figure 7B the access terminal generates and sends one or more configuration-request messages (734), but it is the radio network that sends configuration response messages (742) that determines whether access is permitted (752). Therefore, Bender fails to make up for the deficiencies in the teachings of Krishnarajah identified above. For at least the reasons discussed above, claim 50 is not disclosed or suggested by the cited references.

Independent claims 53, 60-62, 64 and 66-67 contain limitations similar to those recited in claim 50, and therefore are not disclosed or suggested by the cited references for at least the reasons discussed above with respect to claim 50.

The dependent claims rejected above all ultimately depend from an independent claim, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

Allowable Subject Matter

Applicant acknowledges that claim 63 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully submits that claim 63 is presently in allowable form, since the claims from which it depends are believed to be allowable for at least the reasons discussed above.

Conclusion

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

Dated: 18 January 2011



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